

Open meeting to discuss the footpath consultation options – 17th April at 7:30pm in Caldbeck Parish Hall

Present: Mike Johnson (Chairman, Cumberland Councillor and former leader of Allerdale Borough Council), David McGuffie (Caldbeck Parish Council Clerk) and approximately 50 parishioners.

Mike opened the meeting by asking Tim Cartmell (Caldbeck PC Chairman) to give an overview of the history of the footpath option(s).

Background

In the 2005 Parish Plan consultation the idea of an accessible footpath between Caldbeck and Hesketh Newmarket along Hesketh Lanning was raised. Initially most of the landowners said yes to the path and H&H were asked to prepare a specification.

By 2014 the Council had received a donation of £100k towards the construction of a path along the Hesketh Lanning. Due to some landowners not wanting the path to go through their land the footpath route was now on the northern side of the road from Caldbeck to Hanging Acre where it crosses the road and then being on the southern side until it reached Hesketh Newmarket. To aid understanding Tim likened it to the Council asking to purchase 10 feet from the bottom of your garden – some people would say yes and others no and that would influence the route.

In 2016 option agreements were prepared but two landowners didn't sign theirs one was on a relatively straight section so Highways said the path could be along the road but the second was on a bendy section and so Highways said no. Without landowner agreement the footpath could only be created using a Footpath Creation Order – a legal instrument.

A Footpath Creation Order can only be made by appropriate authorities. Cumbria County Council and the Lake District National Park Authority both said no and Allerdale said perhaps and it asked the Council to see if there were other options that avoided litigation. Given that at least two of the landowners had said that they would oppose a Footpath Creation Order and the other appropriate authorities had declined to create one.

The Matthew Ridding route was considered as a potential alternative as it is an existing public footpath and therefore doesn't require a Creation Order. There are slight changes in the route at both ends to move the path to the field side and help with the gradient. A Footpath Diversion Order would be needed to formally remove the existing parts of the route where it crosses open field but this isn't a prerequisite for construction.

Purpose of the meeting

The Parish Council are consulting with the parishioners to see if they want to either pursue a Footpath Creation Order to create a footpath along Heskett Lonning, make the existing Matthew Rudding route more accessible or do nothing and leave it to the parishioners to choose how they want to move between the villages.

Mike summarised the consultation options, explained that all households had been delivered the consultation document, questionnaires and that the meeting was the parishioners opportunity to ask any questions that they may have before returning their questionnaires. The closing date for the consultation is 2nd May.

Questions/Comments

It was raised that on page 4 of the consultation document in the first Matthew Rudding advantages box it said "...so need for a Footpath Creation Order" it should read "...no need for a Footpath Creation Order"

There followed questions about the design of the footpaths – they would be hard surfaced so that buggies/wheelchairs could use them and separated from the fields they traverse by an internal wire fence which would separate the footpath from the field and its livestock.

It was commented that litigation could be very divisive and should be avoided.

It was noted that the Matthew Rudding route was more scenic but that the Heskett Lonning route was shorter and therefore quicker.

It was questioned if harm to a walker on the road would influence Highways to make road improvements. Mike explained that whether any improvements were made would be subject to a cost benefit analysis and that for context there have been multiple fatalities at the A66 Brigham/Broughton junction with a roundabout discussed on many occasions over the last 25 years but that one was still yet to be built.

It was asked how these options would be funded. Tim explained that funds would need to be raised for both footpath options. In 2014 the cost for Heskett Lonning was ~£90,000 and that construction costs have risen since then and that there would be litigation costs on top of that depending upon how costs were apportioned.

It was questioned why the £100,000 donated wasn't available for both footpath options. Tim responded that the donor didn't think that the Matthew Rudding route would be used. It was agreed that if the parishioners preferred option is the Matthew Rudding route that the donor should be approached to try and persuade her to allow the funding to be used.

It was asked if signage warning of walkers in the road, bends etc should be installed along Heskett Lonning. Mike replied that Highways prefer to limit the amount of signs within the National Park so as to reduce their impact on the landscape.

If do nothing was the preferred option could signage and road improvements be proposed to Highways to make the road less dangerous. It was noted that apart from Matthew Rudding that there are two other existing (but longer) footpaths between Caldbeck and Hesket Newmarket shown on the maps and advertised by the LDNPA and if people do walk on the road they should understand that seeing/being seen by traffic is more important than blindly following the Highway code and walking so that they face oncoming traffic.

It was asked about passing places on Matthew Rudding so that buggies and wheelchairs could get out of the way when vehicles use it. Tim responded that he wasn't sure where they would be sited.

It was explained that on the green route, which is common to both footpath options, the footpath would be inside the fields and not on the roadside.

It was asked that if a Footpath Creation Order was to be raised why the Creation Order wouldn't be for a path all on one side of the road. The response was that would probably lead to more opposition from landowners as the proposed route was on both sides of the road to avoid fields where the landowners had said that they didn't want the footpath to go through their fields. The Footpath Creation Order litigation could cost the Council £30-40,000 if it had costs awarded against it. If a Footpath Creation Order is granted or not the "losing" side can ask for a judicial review. The review won't consider the merits or otherwise of the application only whether the application followed the correct legal process.

It was asked if the donated funds could be used for the Creation Order but the donor stipulated that the funds could only be used for construction works and not legal costs so these funds would need to be found by the community.

Where the footpaths are within fields it was questioned whether a netting fence was adequate or whether a hedge should be planted to separate the footpath from the livestock. The questioner estimated that it would cost ~£40,000 to do this. Post meeting note the equivalent barb wire and netting fence would be ~£10,000 using DEFRA mid-tier figures.

The meeting closed and Mike thanked all those who attended.